

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

SECURITIES AND EXCHANGE
COMMISSION

Plaintiff,

v.

Civil Action No. 1:24-cv-03774-MHC

TANNER S. ADAM, JONATHAN L.
ADAM, TRITEN FINANCIAL
GROUP, LLC, and GCZ GLOBAL
LLC,

Defendants, and

AVA A. ADAM, GARRETT L.W.
ADAM, ROBERT S. ADAM,
CARRIE L. ADAM, EMILIO F.
HINOJOSA, and VIRGINIA I.
HINOJOSA,

Relief Defendants.

**DEFENDANTS' UNOPPOSED MOTION FOR RELIEF FROM
FINAL JUDGMENT AND INCORPORATED BRIEF IN SUPPORT**

Under Fed. R. Civ. P. 7(b) and 60(b), the Defendants, Tanner S. Adam, Jonathan L. Adam, Triten Financial Group, LLC, and GCZ Global LLC (the “Defendants”), and the Relief Defendants, Ava A. Adam, Garrett L.W. Adam, Robert S. Adam, Carrie L. Adam, Emilio F. Hinojosa, and Virginia I. Hinojosa (the “Relief Defendants”), respectfully submit this Unopposed Motion for Relief from Final

Judgment and Incorporated Brief in Support. A court may grant relief from a final judgment for, among other reasons, inadvertence or mistake. Fed. R. Civ. P. 60(b)(1). Here, relief should be granted because final judgment entered while this Court’s *Administrative Order Staying Civil Litigation in which the United States is a Party in Light of Lapse in Appropriations* (Dkt. 30) (the “Administrative Order”) was—and continues to be—in effect and applicable to this action. The Securities and Exchange Commission (the “Commission”) does not oppose this Motion.

BACKGROUND

On October 1, 2025, the Commission filed its motion for remedies and default judgment. (Dkt. 29). On October 12, 2025, counsel to the Defendants and to the Relief Defendants notified the Commission that their clients had retained local counsel and planned to respond, requesting a reasonable extension of time to do so. (Declaration of Patrick T. Clendenen in Support of Defendants’ Unopposed Motion for Relief from Final Judgment (“Clendenen Decl.”), **Ex. A**). The Commission responded on October 14, 2025, indicating its belief that an extension of time was unnecessary because of the Administrative Order, which stays civil matters in which the Government is a party until the Government reopens. (Clendenen Decl., **Ex. B** at 1). On October 14, 2025, this Court entered a final judgment as to all Defendants (Dkt. 31), and the Commission served it on counsel on October 15, 2025. Recognizing that the Administrative Order is in effect, the Commission also

communicated that it would “not oppose a motion to vacate the judgment.” (Clendenen Decl., **Ex. C** at 1).

ARGUMENT

A party may seek and obtain relief from judgment “under a limited set of circumstances,” *Kemp v. United States*, 596 U.S. 528, 533 (2022), which include both mistake and inadvertence, *see Fed. R. Civ. P. 60(b)(1)*; *Atraqchi v. United States*, No. 24-12625, 2025 WL 1564553, at *3 (11th Cir. June 3, 2025). As construed and applied, Fed. R. Civ. P. 60(b)(1) generally authorizes relief from judgment due to the inadvertence or mistake of a party, a party’s attorney, the Clerk, or the Court. *See Mendez v. Republic Bank*, 725 F.3d 651, 658 (7th Cir. 2013) (the “mistake” and “inadvertence” language includes inadvertence on the part of both courts and parties (citations omitted)); *see also In re 310 Associates*, 346 F.3d 31, 34–35 (2d Cir. 2003) (both mistakes of law and fact may be corrected by the court under rule 60(b)). Indeed, “this rule allows a district court to correct ‘all mistakes of law made by a judge.’” *United States v. Gaines*, No. 22-12876, 2024 WL 2764819, at *2 (11th Cir. May 30, 2024) (citing *Kemp*, 596 U.S. at 534); *see also Hill v. Manning*, No. 21-04549, 2024 WL 4347870, at *2 (N.D. Ga. Sept. 30, 2024) (a mistake “can be a basis to provide a party relief from an order,” including judicial

errors) (quoting *Kemp* 596 U.S. at 533–34), *appeal dismissed*, No. 24-13698, 2025 WL 18712 (11th Cir. Jan. 2, 2025).

Here, the Defendants and the Relief Defendants seek relief from the Court’s Final Judgment because, by mistake or inadvertence, it should not have been entered. Under the Administrative Order, “all civil litigation in which the United States, its federal agencies, or its officers and/or employees are named parties,” including this matter involving the Commission, “is STAYED until appropriations are restored.” (Clendenen Decl., Ex. B, Order at 2). Because of the Administrative Order, the Defendants’ and Relief Defendants’ response to the Commission’s motion for remedies and default judgment (Dkt. 29) is not due until seventeen days from the day that the Administrative Order is vacated. (Clendenen Decl., Ex. B, Order at 2).

Because the Defendants and Relief Defendants have retained counsel and plan to respond to the Commission’s motion, they respectfully request that this Court:

1. Vacate the Final Judgment (Dkt. 31); and
2. Order the parties to meet and confer, once the Administrative Order is vacated, on the possibility of an agreed form of a Final Judgment or, if unsuccessful, to propose to the Court a briefing schedule to respond to the Commission’s motion for remedies and default judgment (Dkt. 29) and any request by the Defendants or Relief Defendants for an evidentiary hearing on damages, penalties, and interest.

CONCLUSION

For all the foregoing reasons, the Defendants and the Relief Defendants respectfully request that this Court grant their motion and grant the relief requested herein.

Respectfully submitted, this 20th day of October, 2025.

TROUTMAN PEPPER LOCKE LLP

/s/ Mary M. Weeks

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Relief Defendants Ava A. Adam, Garrett
L.W. Adam, Robert S. Adam, Carrie L.
Adam, Emilio F. Hinojosa, and Virginia
I. Hinojosa*

CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1(D) of the Local Rules for the United States District Court for the Northern District of Georgia, I hereby certify that the foregoing has been prepared in Times New Roman, 14-point font, as permitted by Local Rule 5.1.

This 20th day of October, 2025.

/s/ Mary M. Weeks

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which automatically serves notification of such filing to all counsel of record.

This 20th day of October, 2025.

/s/ Mary M. Weeks

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